

REMARKS

This paper is responsive to the final Office Action mailed September 1, 2010. A Request for Continued Examination is filed herewith. Claims 1, 4, 5, and 27-30 are pending in the application and stand rejected. Claim 1 is amended. Claims 4 and 27-30 are canceled. Reconsideration and allowance of Claims 1 and 5 are respectfully requested in view of the above amendments and below remarks.

Examiner Interview of November 29, 2010

The Examiner and the undersigned attorney conferred regarding the present application on November 29, 2010. During the interview, a proposed amendment to Claim 1 was discussed. The proposed amendment further defined the wiper of Claim 1 by reciting features with regard to the outer packaging having a uniform transverse cross section, as well as being formed from a rigid material to form an integral tube-like container. Distinctions between the proposed amended Claim 1 and the cited references were discussed. It was agreed that none of the cited references teach or suggest the wiper as recited in the proposed amended Claim 1.

Agreement was not reached on allowable claims, although the Examiner indicated that the proposed amendment should be submitted, in which case an additional search would be performed. Accordingly, proposed amended Claim 1, as discussed in the interview, is submitted herewith.

The Examiner is thanked for his time and a productive interview.

Claim Rejections Under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1, 4, 5, and 27-30 stand rejected under 35 U.S.C. §§ 102(b) or 103(a) in view of various combinations of Rowe et al. (U.S. Patent No. 5826600), Nakatani (U.S. Patent Application Publication No. 20030233063), and Gueret (U.S. Patent No. 6390708). Withdrawal of these grounds for rejection is respectfully requested for the following reason.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

Claim 1, from which Claim 5 depends, recites a wiper comprising a rod, having a wiping body at the end of the rod, and an outer packaging enclosing the rod and wiping body. Claim 1 has been amended to recite that the outer packaging is a tube-like container having a uniform transverse cross section. Claim 1 has also been amended to recite that the tube-like container is closed permanently through fusion so as to form a rigid and integral tube-like container. Finally, Claim 1 has been amended to recite that the tube-like container is configured to be ruptured at the easy break-off mark and separated into first and second portions such that the ruptured tube-like container will not reseal. Essentially, amended Claim 1 incorporates the recitations of Claims 28 and 29, which are now canceled. These amendments were discussed during the Examiner interview of November 29, 2010. As noted above, the cited prior art references were discussed during the interview in view of these amendments, and it was agreed that the amendments distinguish amended Claim 1 from the cited references.

Rowe et al. is relied on as the primary reference in the rejections under 35 U.S.C. §§ 102(b) and 103(a). However, as noted in the Office Action at section 10, Rowe et al. does not teach a tube-like container with a uniform transverse cross section, as previously recited in Claim 29, which has been incorporated into amended Claim 1. Gueret is relied on, in rejecting Claim 29, as teaching a container having first and second portions with uniform cross section. However, the container of Gueret does not have an easy break-off mark formed between the first and second portions of the container; and the container of Gueret is not configured to be ruptured at an easy break-off mark such that the ruptured container will not reseal, as recited in amended Claim 1. Conversely, Gueret teaches a screw top container, as illustrated in Figure 1 (cap 3 attaches by screwing onto neck 21). Such a screw-cap configuration allows the container to be resealable, as opposed to the container recited in amended Claim 1, which is designed to not

reseal. Accordingly, the combined teachings of Rowe et al. and Gueret do not teach, suggest, or otherwise make obvious, every aspect of Claim 1, as amended.

Nakatani does not cure the above-cited deficiencies with regard to the combined teachings of Gueret and Rowe et al. In this regard, Nakatani does not teach a container having uniform transverse cross section and an easy break-off mark in a firm tube-like container configured to be ruptured and separable such that the ruptured container will not reseal. Instead, as illustrated in the figures of Nakatani, the reference teaches a container having non-uniform transverse cross section which is formed from a non-rigid material (the package is a gas impervious film 15 designed to be torn open; paragraph [0034]).


Because the combined teachings of the cited references do not teach, suggest, or otherwise make obvious, every aspect of Claim 1, as amended, applicant asserts that Claim 1, and Claim 5 depending therefrom, are novel, non-obvious, and allowable. Withdrawal of all grounds for rejection is respectfully requested.

CONCLUSION

Applicant believes that the application in condition for allowance. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to call the undersigned attorney at 206-695-1698.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



L. Rhys Lawson, Ph.D.
Registration No. 57,869
Direct Dial No. 206.695.1698

LRL:pag/pww

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100